

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Lonny Bristow,	)	
	)	
Plaintiff,	)	Case No. 1:05-CV-378
	)	
vs.	)	
	)	
Reginald Wilkinson, <i>et al.</i> ,	)	
	)	
Defendants.	)	

Order Adopting Report and Recommendation

On October 3, 2005, United States Magistrate Judge Timothy S. Black issued a Report and Recommendation pursuant to which he recommended, *inter alia*, that Defendants' motion to dismiss this action be granted for Plaintiff's failure to demonstrate that he has exhausted administrative remedies. The Magistrate Judge noted, particularly, that Plaintiff had not presented evidence showing that the grievance procedure outlined in Ohio Administrative Code § 5120-9-31 does not apply to his claims.

Plaintiff did not file objections to the Report and Recommendation but rather filed a motion for leave to conduct limited discovery. The Court denied that motion on October 21, 2005, and extended the time within which objections could be filed to November 1, 2005.

The extended objection period has expired and Plaintiff has not filed objections. The Court finds no plain error in the

Magistrate Judge's analysis and hereby **ADOPTS** the Report and Recommendation *in toto*. See Fed. R. Civ. P. 72(b). Defendants' motion to dismiss (Doc. 25) is hereby **GRANTED**. Plaintiff's motion for declaratory judgment (Doc. 21) is hereby **DENIED**. Plaintiff's claims are **DISMISSED** without prejudice. This action is **CLOSED**.

**IT IS SO ORDERED.**

\_\_\_\_\_/s/  
Sandra S. Beckwith, Chief Judge  
United States District Court